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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,608	11/19/2001	Gerard Soriano	34132	8410
116	7590	04/09/2004	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			MARTIR, LILYBETT	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/992,608	Applicant(s) SORIANO, GERARD	
	Examiner Lilybett Martir	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 13-14 are rejected under 35 U.S.C. 103(a) as being anticipated by Miller et al. (Pat. 5,212,354) in view of Rylatt (Pat. 4,668,466).

- With respect to claims 1 and 7, Miller teaches a check template 30 suitable for being inserted in a housing as in element 5, said template being equipped with a series of measurement means 2 which are capable of making simultaneous measurements (See Figure 1, Col. 3, lines 52-63). Miller fails to disclose the specific utilization of force sensors. Rylatt teaches a force measurement apparatus that comprises force-measuring means as in elements 106 (See abstract). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Rylatt by utilizing force-measuring means in his apparatus to make it versatile.
- With respect to claims 13 and 14, Miller et al. teaches his arrangement being removable and reusable (Col. 5, lines 16-18).

3. Claims 2-3 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Kabushiki et al. (EP 0176173A2).

- With respect to claims 2-3 and 8-9, Miller et al. fails to disclose the utilization of processing means, which incorporates measurement-processing and comparison software. Kabushiki et al. teaches a sensing arrangement, which comprises a calculating means as in element 30 (Page 4-6, lines 19-23). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Kabushiki et al. by providing it with calculating means to therefore provide it with data processing means that would allow for the comprehensive manipulation of the data obtained in a well known manner, therefore making said device more complete and capable of fully performing measurement functions.

4. Claims 5-6 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view Woodle (Pat. 5,199,518)

- With respect to claims 5 and 11, Miller et al. fails to teach measurement means placed on two adjacent sides of the check template. Woodle et al. teaches utilizing measurement means 40 placed on two adjacent sides of the check template 4 as noted in Figure 5. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Woodle et al. by providing it with measurement means placed on two adjacent sides of the check template to further increase the accuracy and reliability of said apparatus by duplicating the amount of measurements obtained.
- With respect to claims 6 and 12, Miller et al. fails to teach his measurement means comprising a load cell. Woodle teaches his measurement means comprising a load cell as in element 2. It would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Woodle et al. by providing it with measurement means that comprise alternative and well known measuring elements to make said apparatus versatile.

5. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al. in view of Rylatt (EP 0192138A2).

- With respect to claims 4 and 10, Miller et al. fails to teach the utilization of display means. Rylatt teaches that it is commonly known in the art to utilize display means 112 to display data and results. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Rylatt by providing it display means to further facilitate obtaining the resulting data from the load cell assembly therefore making said device more complete and capable of fully performing measurement functions.

6. Claims 15-16 rejected under 35 U.S.C. 103(a) as being anticipated by Miller et al. (Pat. 5,212,354) in view of Rylatt (Pat. 4,668,466) and further in view of Kabushiki et al. (EP 0176173A2).

- With respect to claims 15-16, Miller teaches a check template 30 suitable for being inserted in a housing as in element 5, said template being equipped with a series of measurement means 2 which are capable of making simultaneous measurements (See Figure 1, Col. 3, lines 52-63), and his arrangement being removable and reusable (Col. 5, lines 16-18). Miller fails to disclose the specific utilization of force sensors. Also, Miller et al. fails to disclose the utilization of processing means, which

incorporates measurement-processing and comparison software. Rylatt teaches a force measurement apparatus that comprises force-measuring means as in elements 106 (See abstract). Kabushiki et al. teaches a sensing arrangement, which comprises a calculating means as in element 30 (Page 4-6, lines 19-23). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. utilizing the teachings of Rylatt by utilizing force-measuring means in his apparatus to make it versatile. It would also have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detecting apparatus of Miller et al. by further utilizing the teachings of Kabushiki et al. by providing it with calculating means to therefore provide it with data processing means that would allow for the comprehensive manipulation of the data obtained in a well known manner, therefore making said device more complete and capable of fully performing measurement functions.

Response to Arguments

7. Applicant's arguments filed January 8, 2004 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the use of a template designed to check preloads of multiple clamps utilized in the transport of nuclear fissionable material) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. In response to applicant's arguments, the recitation "the use of a template designed to check preloads of multiple clamps utilized in the transport of nuclear fissionable material" has

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not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

9. Applicants amendments raised new issues that made necessary the new art to be applied and therefore, the arguments presented against Woodle are said to be moot due to the new grounds of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

11. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (571)272-2182. The examiner can normally be reached on 9:00 AM to 5:30 PM.

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13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on (571)272-2180. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lilybett Martir
Examiner
Art Unit 2855



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